

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1575 - SB 1820

February 14, 2020

SUMMARY OF ORIGINAL BILL: Adds serious sexual abuse to the defense of duress. Adds serious sexual abuse as a justification for excluding the use of deadly force from criminal responsibility for certain individuals.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (014677): Deletes and replaces all language after the enacting clause such that the substantive changes are: (1) to change the term “serious sexual abuse” to “grave sexual abuse”; and (2) to require the Police Officer Standards and Training Commission and any instructor that provides handgun safety courses for handgun carry permits to update training materials to reflect such defenses.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- The proposed legislation defines grave sexual abuse as:
 - Aggravated rape;
 - Rape;
 - Rape of a child; or
 - Aggravated rape of a child.
- The proposed legislation justifies excluding criminal responsibility for the use of deadly force for following individuals:
 - A person that has a reasonable belief that there is a real imminent danger of grave sexual abuse;
 - A nuclear security officer that reasonably believes there is an imminent danger of grave sexual abuse; and
 - A law enforcement officer that has probable cause to believe that the individual to be arrested has committed a felony involving the infliction or threatened

infliction of grave sexual abuse or poses a threat of grave sexual abuse to either the officer or others unless immediately apprehended.

- Any impact to local incarceration, the court system, or state incarceration resulting from adding such justification as a defense for the outlined individuals is estimated to be not significant.
- This analysis assumes that the Department of Commerce and Insurance (DCI) and the Department of Safety (DOS) update training materials as relevant laws change for applicable training courses.
- Any impact the DCI or the DOS to include the changes outlined in the proposed legislation in those updates is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/amj